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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,410	08/25/2003	Michael D. Kotzin	CS23254RA	2657

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EXAMINER

STEIN, JULIE E

ART UNIT PAPER NUMBER

2685

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/647,410

Applicant(s)

KOTZIN ET AL.

Examiner

Julie E. Stein, Esq.

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: On page 10, "What is claimed is" should be deleted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0082018 to Coskun et al.

Coskun discloses all the steps of independent 1, including a method in a mobile communications device (28), the method comprising: participating in a packet session (paragraph 22); sending handover information to a packet server (34) while in the packet session (Figure 3 and paragraph 37); receiving radio resource information from the packet server in response to sending the handover information to the packet server (Figure 3 and paragraph 42).

Coskun discloses all the steps of claim 2, including handing over to a new cell using the radio resource information received from the packet server. See paragraphs 38 to 42).

Coskun discloses all the steps of claim 3, including the radio resource information received from the packet server includes radio resource assignment information (paragraph 42), handing over to the new cell without requiring the mobile communications device to request a radio resource assignment from the new cell (Figure 3).

Coskun discloses all the steps of claim 4, including receiving radio resource information from the packet server in response to sending handover information to the packet server includes receiving at least one of frequency, slot, time-to-transfer and power information from the packet server. See paragraph 42, which informs the MT of its new channels.

Coskun discloses all the steps of claim 5, including making neighbor measurements during the packet session (paragraph 37); sending the handover information to the packet server include sending information based on the neighbor measurements (Id.).

Coskun discloses all the steps of claim 6, including sending the identification of at least one handover target to the packet server. Id.

Coskun discloses all the steps of claim 7, including participating in the packet session includes communicating voice data in the packet session (paragraph 70, VoIP);

Art Unit: 2685

sending the handover information to the packet server while communicating voice data in the packet session (Id.).

Coskun discloses all the steps of claim 8, including identifying at least one potential handover target to the packet server (paragraph 37,  $\beta_{1,2}$ ), receiving radio resource information from the packet server for at least one of the handover targets identified (paragraph 42).

Coskun discloses all the steps of claim 9, including reducing interruption of the packet session during handover by using the radio resource information received from the packet server to facilitate handover to a new cell. See paragraph 4 identifying interruption as a problem, therefore reduction is inherent to the disclosed method.

The rejections of claims 1-9 are hereby incorporated. Coskun discloses all the steps of independent claim 10, including a method in a packet server (Figure 3, 34) connected to a communications network (Figure 3), the method comprising: negotiating with a radio communications network (paragraph 25) for a radio resource transfer for a mobile wireless communications device (28), sending, from the packet server (34), radio resource information to the mobile wireless communications device (Figure 3).

Coskun discloses all the steps of claim 11, receiving, at the packet server (34), handover information from a mobile wireless communications device (Figure 3), sending the radio resource information to the mobile wireless communications device after negotiating in response to receiving the handover information (Figure 3 and paragraph 42).

Coskun discloses all the steps of claim 12, negotiating with the radio communications network for a radio resource transfer for the mobile wireless communications device based on the handover information received from the mobile wireless communications device. See paragraphs 37 to 42.

Coskun discloses all the steps of claim 13, receiving handover information from the mobile wireless communications device includes receiving at least one potential handover target identified by the mobile wireless communications device (paragraph 37), sending radio resource information to the mobile wireless communications device for at least one of the handover targets identified by the mobile wireless communications device (paragraph 42).

Coskun discloses all the steps of claim 14, sending radio resource information from the packet data server includes sending at least one of frequency, slot, time-to-transfer and power information to the mobile wireless communications device. See paragraph 42, which informs the MT of its new channels.

The rejections of claims 1-14 are hereby incorporated. Coskun discloses all the steps of independent claim 15, a method in a mobile communications device in a packet session (see above), the method comprising: receiving radio resource information from a packet server (see above); handing over to a new cell during the packet session (see above); reducing interruption of data communication during the packet session while handing over to the new cell using the radio resource information received from the packet server (see above).

Coskun discloses all the steps of claim 16, including participating in voice communications in the packet session. See above.

Coskun discloses all the steps of claim 17, including receiving radio resource information from the packet server includes receiving handover timing information, reducing interruption of the data communications during the packet session during hand over by making a timed transfer to the new cell using the handover timing information from the packet server. This is inherent based on paragraph 42 and the MT using the new assigned channels to begin listening to the DSC and DTC and then to send an HO complete message. In addition, Figure 4 and its corresponding description, which discloses using a dormant mode and timing to complete a handover also is an example of using timing in the handover.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication No. 2003/0054824 to Choi et al teaches a handover method in a packet data system; U.S. Patent Nos. 6,725,044 to Verma et al teaches a mobile triggered handover in a radio access network, including packet data; and 6,909,899 to Wang et al teaches a handover method in a wireless and packet data system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

Art Unit: 2685

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES

*Nguyen Vo*

7-21-2005

**NGUYEN T. VO  
PRIMARY EXAMINER**